

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT ROANOKE, VA  
FILED

DEC 28 2012

JULIA C. DUDLEY, CLERK  
BY: *B. W. Smith*  
DEPUTY CLERK

CALVIN PERRY,	)	CASE NO. 7:12CV00245
	)	
Petitioner,	)	
	)	FINAL ORDER
vs.	)	
	)	
HAROLD CLARKE, DIRECTOR,	)	By: James C. Turk
	)	Senior United States District Judge
Respondent.	)	

In accordance with the accompanying memorandum opinion, it is hereby

**ADJUDGED AND ORDERED**

that the motion to dismiss is **GRANTED**; the petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, is **DISMISSED**; petitioner's motion for default judgment is **DENIED**; and this action is stricken from the active docket of the court.

Further, finding that petitioner has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

ENTER: This 28<sup>th</sup> day of December, 2012.

*James C. Turk*  
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Senior United States District Judge